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REMARKS

Claims 1-16 are pending in this application. No claims have been cancelled. Claims 1 and 8 have been amended slightly and recite a specific shape for the undulations (i.e., a chevron shape), that the undulations are present on at least adjacent edges of each tile, and that the undulations are present throughout the height of the tile.

Rejection under 35 USC 103

Claims 1-16 are rejected under 35 USC 103(a) as being unpatentable over US 2004/0258870 issued to Oakey et al., in view of US 5,330,806 to Blythewood et al., USD 492,426 issued to Strickler, and USD 479,424 issued to Sellman, Jr.

The Examiner contends that the previous amendment to the claims is insufficient to overcome the rejection. Specifically, Sellman teaches said chevrons. Additionally, it would have been readily obvious to one of ordinary skill in the art to modify the shape of the undulations from that taught by Oakey, Blythewood, or Strickler, since it has been held that a mere change in shape is generally recognized as being within the level of ordinary skill in the art.

To establish a *prima facie* case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. MPEP 2143.03.

From Applicant's understanding, the Oakey reference appears to teach a reconfigurable floor covering including a plurality of modular units that may be easily assembled in a variety of designs. Oakey teaches beveled edges for the carpet tiles. However, Oakey fails to teach serged edges, which the Examiner contends are commonly used for area rugs.

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The Oakey et al. reference does not teach a modular floor covering in which the tiles have chevron-shaped undulations or a modular floor covering in which individual tiles have both chevron-shaped undulations and serged edges. The Strickler patent does not overcome this shortcoming, nor does the patent to Blythewood. Both Strickler and Blythewood teach modules with interlocking edges, but fail to disclose the combination of interlocking edges with serged edges on individual modules. Additionally, neither Strickler nor Blythewood teach the use of chevron-shaped undulations to interlock adjacent tiles.

The Sellman, Jr. reference discloses a tile with undulating edge portions on opposite sides. However, because the Sellman, Jr. reference is only a design patent, it is silent with respect to how a modular area rug might be formed utilizing tiles with undulating edge portions and tiles having both undulating edges and serged edges.

Thus, Applicant has shown that none of the references individually teach all of the limitations of the pending claims. However, as the Examiner points out, one cannot show nonobviousness by attacking the references individually where the rejection is based on a combination of references.

A *prima facie* case of obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motive to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art (MPEP § 2143.01).

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The present claims recite the limitations that the undulations are chevron-shaped and that the undulations are present on at least adjacent sides of each tile. The claims further recite that the outer edges of the area rug system are serged.

As to the question of motivation to combine, the Examiner suggests that the motivation to combine the Oakey, Blythewood, Strickler, and Sellman references is to interlock the tiles and prevent lateral movement thereof. Applicant has reviewed the references again and cannot help but reach the conclusion that the combination fails to provide such motivation. Specifically, because each reference provides its own approach to interlocking tiles (straight edges of Oakey, puzzle-like curves of Blythewood and Strickler, chevron-shapes of Sellman), there is no motivation to combine the references to create a modular area rug, as claimed by Applicant. That is, one of skill in the art would not look at the teachings of Oakey, which relies on the size and weight of the tiles and an adhesive placed thereunder, and be motivated to create curved edges (as taught by Blythewood, Strickler, or Sellman) to produce an improved floor covering. Such motivation is questionable since adding curved or undulating edges increases manufacturing complexity.

The Oakey reference does not teach or suggest the use of interlocking edges to secure the tiles to one another, despite the earlier issuance and availability of the teachings of Blythewood. Rather, Oakey describes several means to attach the underside of one tile to an adjacent tile, including vinyl one-sided adhesive, hook and loop fasteners, magnets, adhesives, or other chemical bonding (such as epoxy). (See page 2, paragraph 16.) Thus, Applicant believes there is no teaching or suggestion in the references themselves to make the combination suggested by the Examiner.

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Further, even if the combination of the Oakey, Blythewood, Strickler, and Sellman references is proper, the stated combination fails to teach all of the limitations that are part of Applicant's claims. In combination, the references teach a modular area rug system having a plurality of individual units, in which the units are connected by interlocking sides (and may include adhesive, Velcro® fasteners, magnets, and the like on the undersides thereof) and in which the outermost edges of the rug system are either unfinished or bounded by a frame. The references, in combination, do not teach a rug system in which the tiles include interlocking means on adjacent edges and serged edges on those sides of the tiles that form the perimeter of the mat system.

In this construction, the position of an individual tile within the area rug system determines which (if any) of its edges are serged and which of its edges have an interlocking structure (as claimed, in the shape of at least two chevrons). For instance, tiles positioned on the corners of the rug assembly have two adjoining serged edges and two adjoining edges with an interlocking structure. Tiles positioned in the center of the area rug may have zero or one serged edge, with the remaining edges having an interlocking structure. The references, even in combination, fail to disclose such a configuration.

In light of the above, Applicants respectfully submit that the cited art does not satisfy the requirements for maintaining a *prima facie* case of obviousness, and thus request that the §103 rejection of claims 1-16 be withdrawn.

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Rejections under 35 USC 103 based on Dahlberg

Claims 1-16 are rejected under 35 USC 103(a) as being unpatentable over US Patent 3,120,083 to Dahlberg et al., either alone or in combination with one or more of the previously discussed references.

Claim 1 is rejected under 35 USC 103(a) as being unpatentable over Dahlberg et al. alone, or in view of D479,424 issued to Sellman, Jr.

The Dahlberg reference alone, and in combination with Sellman Jr., fails to teach a floor covering assembly, in which individual tile components include both serged edges and undulated interlocking edges. This particular combination of features on individual tiles is not taught or suggested by the references, either alone or in combination. For this reason, Applicants believe the rejection to be improper and request that it be withdrawn.

* * *

Claims 8, 15, and 16 are rejected under 35 USC 103(a) as being unpatentable over Dahlberg et al. alone or in view of Sellman, Jr. and further in view of Strickler.

Claim 8 includes the limitation that small and large tiles are used to create a mat assembly, where the small and large tiles include serged edges and interlocking edges having a double chevron shape. The undulations are present throughout the height of the tiles. Claims 15 and 16, which depend from Claim 8 and include all of the limitations thereof, further specify the sizes of the small and large tiles.

Applicant challenges the propriety of the rejection based on this combination of references, as the references fail to disclose tiles having both serged and interlocking

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edges. All of the tiles in the Dahlberg reference have interlocking edges on all four sides. In the Sellman reference, interlocking edges are present in opposite position from one another. In the Strickler reference, interlocking edges are present on only one, if any, tile edges. Thus, the references, even when combined, fail to teach a mat assembly in which the interlocking edges of the individual tiles are adjacent to one another.

Because the references do not teach or suggest the invention described in Applicant's claims, Applicant believes the rejection of Claim 8 (and Claims 15 and 16, which depend from Claim 8) to be improper and requests the withdrawal thereof.

* * *

Claims 2-7 are rejected under 35 USC 103(a) as being unpatentable over Dahlberg et al. alone, or in view of Sellman, Jr. and in further view of Oakey et al.

As described above, with regard to Claim 1, the combination of Dahlberg with Sellman fails to teach a mat assembly, in which individual tiles have both serged edges and interlocking edges, the interlocking edges being present on at least adjacent sides of the tiles. Oakey, as has been previously discussed, does not overcome this shortcoming when combined with Dahlberg and Sellman.

Since the combination of references does not teach Applicant's claimed invention, Applicant believes the rejection to be improper and respectfully requests that it be withdrawn.

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Claims 9-16 are rejected under 35 USC 103(a) as being unpatentable over Dahlberg et al. alone, or in view of Sellman, Jr., and in further view of Strickler and Oakey et al.

Applicant has already attacked the propriety of the combination of Dahlberg et al. with Sellman, Jr. Specifically, the proposed combination fails to teach an assembly where individual tiles have serged edges and interlocking edges. As provided above, Strickler's contribution to the combination is tiles of various sizes. Oakey et al. contribute the use of adhesive to adhere the tiles to the floor.

Claims 9-16 include the limitations of Claim 8 from which they depend, either directly or indirectly. Thus, Claims 9-16 require that the mat assembly have some tiles with serged edges and interlocking edges, where the interlocking edges are present on adjacent sides and the undulations are throughout the height of the tile. Claim 8 further specifies that two different sizes of tile are employed in the assembly.

Applicant finds no motivation in the references themselves to make the combination suggested by the Examiner. Further, were such a combination made, one of ordinary skill in the art would be hard-pressed to arrive at the configuration of components presently claimed. The Examiner suggests that one of skill in the art would select the interlocking tiles of Dahlberg, the tiles of different sizes from Strickler, the undulations of Sellman, and the adhesive backing of Oakey to produce Applicant's claimed invention.

Applicant contends that such a combination is possible only with the benefit of hindsight. The Examiner has provided no specific guidance in the references themselves that would lead one of ordinary skill in the art to select and combine particular features from

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these references for incorporation into a new product. Further, the combination does not teach that those edges forming the perimeter of the rug assembly are serged.

For these reasons, Applicant believes the rejection of Claims 9-16 to be improper and requests that it be withdrawn.

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CONCLUSION

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance.

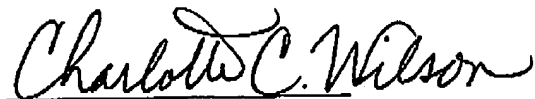
Should any issues remain after consideration of this Amendment and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

Respectfully submitted,

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